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2020 JUL 16 PM 4:20  
SCOTT G. WEBER, CLERK  
CLARK COUNTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CLARK

NANCY PRICE, an individual, )  
 )  
Plaintiff, ) Cause No. 20 2 01416 06  
Vs. )  
 ) **COMPLAINT FOR MONEY DAMAGES**  
WALMART INC., a Delaware )  
Corporation. )  
Defendant. )  
\_\_\_\_\_ )

**COMES NOW**, the PLAINTIFF, NANCY PRICE, ( herein referred to as "PLAINTIFF,") through the undersigned attorney, files this complaint and alleges as follows:

**I. IDENTIFICATION OF PARTIES**

1.1 At all times material hereto, PLAINTIFF was and currently is a resident of Battle Ground, Washington.

1.2 At all times material hereto, WALMART INC., ( herein referred to as "WALMART" ) was and currently is a Delaware corporation organized and existing under the laws of the State of Washington. WALMART is registered with the Washington Secretary of State and does conduct business in Washington State. WALMART's registered agent in Washington State is CT CORPORATION SYSTEM, 711 CAPITOL WAY S, #204, OLYMPIA, WA 98501. WALMART'S principal place of business is 708 SW 8th STREET, BENTONVILLE, ARKANSAS.

**II. JURISDICTION AND VENUE**

2.1 PLAINTIFF realleges the facts set forth in paragraphs 1.1 - 1.2 as stated fully herein, and further alleges as follows:

EXHIBIT A, Page 1 of 4

2.2 This court has original subject matter jurisdiction pursuant to the Washington State Constitution, Article 4, Sec. 6 and RCW 2.08.010.

2.3 The venue is proper in Clark County Superior Court because the personal injuries to which this complaint arises from arose in Clark County, Washington.

### **III. DATE AND NATURE OF OCCURRENCE: LIABILITY**

3.1 PLAINTIFF realleges the facts set forth in paragraphs 1.1 - 2.2 as stated fully herein, and further alleges as follows:

3.2 On or about 8-6-2017, PLAINTIFF was walking with her husband towards the east entrance of the Walmart Supercenter, # 5929, located at 1201 S.W. 13th Avenue, Battle Ground, WA 98604. Weather was sunny with clear skies. The entrance consists of at least four electronically controlled doors.

3.3 As PLAINTIFF approached the double doors, she saw an elderly male Walmart employee with his back facing south, towards the incoming customers watering the plants for sale. The plants were located directly to the right of the entrance doors. The hose used to water the plants was stretched completely across the front of the entrance doors.

3.4 PLAINTIFF stopped directly in front of the hose and attempted to get the attention of the elderly employee multiple times to warn him that she was about to walk over the hose and for him not to make any movements that could cause her to trip. The employee didn't respond.

3.4 After several unsuccessful attempts to gain the employee's attention, PLAINTIFF attempted to enter the store when the employee suddenly lifted the hose causing the hose to be positioned in between her legs, causing the PLAINTIFF to trip over the hose and fall onto the ground directly in front of the electronic entrance doors.

3.5 PLAINTIFF fell on her left hand and hip in an attempt to brace her fall. She heard and felt several "popping" noises in both of her wrists upon impacting the ground. She screamed loudly in pain. The store manager and another employee assisted PLAINTIFF as her husband, George Price, called 911. An ambulance arrived and transported PLAINTIFF to Legacy Salmon Creek Hospital.

### **IV. DAMAGES**

4.1 PLAINTIFF realleges the facts set forth in paragraphs 1.1 - 3.5 as stated fully herein, and



further alleges as follows:

4.2 As a direct and proximate result of the DEFENDANT'S negligence, PLAINTIFF sustained serious personal injuries to her body and other injuries which are permanent and disabling.

4.3 As a direct and proximate result of the DEFENDANT's negligence, the PLAINTIFF has incurred and will continue to incur medical expenses and other -out-of pocket expenses for which PLAINTIFFs entitled to damages in an amount to be determined at trial.

4.4 As a direct and proximate result of the negligence alleged herein, PLAINTIFF has experienced, and will continue to experience for the rest of her life pain, suffering and interference with their normal activities of life, for which they are entitled to damages.

## **V. CAUSES OF ACTION**

### **A. COMMON LAW NEGLIGENCE**

5.1 PLAINTIFF realleges the facts set forth in paragraphs 1.1 - 4.4 as stated fully herein, and further alleges as follows:

5.2 PLAINTIFF's status at the time of her injuries was that of a business invitee.

5.3 DEFENDANT owed a duty of reasonable care towards the PLAINTIFF as a business invitee.

5.4 DEFENDANT'S breached their duty by failing to exercise ordinary care in causing PLAINTIFF's Injuries,

5.5 DEFENDANT'S negligence was the actual and proximate cause of Plaintiff's damages.

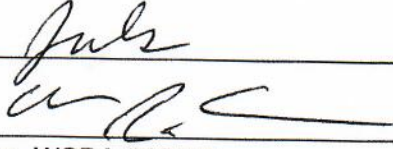
## **VI. PRAYER FOR RELIEF**

6.1 PLAINTIFF requests that judgment be entered against DEFENDANT'S as follows:

- (a) Awarding PLAINTIFF special damages for her medical and out of pocket expenses, in an amount to be determined at trial.
- (b) Awarding PLAINTIFF general damages for pain, suffering, permanent scarring, and mental anguish in an amount to be determined at trial.
- (c) Awarding PLAINTIFF statutory prevailing party fees and costs incurred in this action.
- (d) Awarding PLAINTIFF any and all applicable interest on the judgment; and

(e) Awarding PLAINTIFF any other and further relief as the Court deems just and proper.

DATED this 16<sup>th</sup> day of July, 2020.

  
Allen J. Kim, WSBA #42015  
Attorney for Plaintiff

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EXHIBIT A, Page 4 of 4